

Appl. No. 09/502,233

Amdt. Dated: November 12, 2003

Reply to Office Action of: August 13, 2003

### **REMARKS**

In the Office Action, the Examiner has rejected claims 13 to 24 under 35 USC 103(a) as unpatentable over DiMarco et al. "HealthDoc: Customizing Patient Information in Health Education by Medical Condition and Personal Characteristics." The Examiner has acknowledged that the DiMarco et al. article does not show the tiered hierarchy system which is now claimed. The Examiner believes that it would be obvious to arrange the elements in hierarchical tiers because "if the elements were on the same level (same priority) then repair processing would result in unnecessary processing delay, in that a variation change applied at the word level could occur before a paragraph variation change that when it's change occurred would no longer need the previously changes word, rendering it unnecessary."

The Examiner has not found any suggestion in any reference of the desirability of the tiered hierarchy system. Furthermore, the Examiner has merely given a reason that an alternative structure would not function. This however, does not lead the person skilled in the art to the structure now claimed in this patent application. Simply because another arrangement is not functional does not give the required teaching as to how the elements should be arranged and the connections between them.

Therefore, it is believed claims 13-24 are patentable over DiMarco et al.

Furthermore, the independent claims 13 and 19 clearly distinguish over the prior art cited by the Examiner. For example, the arrangement of elements in tiers is not disclosed in the DiMarco et al. reference. In the reference the document structure is a collection of text fragments with no semantic relationships between them. There is no first and second type of tiers and no connections of tiers as described in claim 1. Further, there are no parameters associated with tiers as recited in claim 1. Still further, there is no selection engine for operation on these tiers.

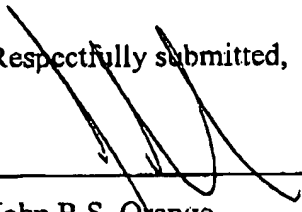
Claims 14-18 are dependent on claim 13 and claims 20-24 are dependent on claim 19. Accordingly, claims 14-18 and 20-24 share the above distinctions over DiMarco et al.

The Examiner has indicated that the IDS received 5/31/01 was not included in the file wrapper and could not be considered. A replacement copy of the IDS (dated May 25, 2001) is enclosed herewith. Applicant respectfully requests that the Examiner consider the IDS.

Appl. No. 09/502,233  
Amdt. Dated: November 12, 2003  
Reply to Office Action of: August 13, 2003

Applicant requests early reconsideration and allowance of the present application.

Respectfully submitted,



---

John R.S. Orange  
Agent for Applicant  
Registration No. 29,725

Date: November 13, 2003

McCarthy Tetrault LLP  
P.O. Box 48, Suite 4700, Toronto Dominion Bank Tower  
66 Wellington St. West  
Toronto, Ontario M5K 1E6, Canada

Tel: (416) 362-1812

JRO/WL/sp